CONTRA COSTA COUNTY LAND CONSERVATION PROGRAM (WILLIAMSON ACT)

QUESTIONS AND ANSWERS

These Questions and Answers are offered as general information about the California Land Conservation Act of 1965, and the Land Conservation Program (Williamson Act) that has been developed for Contra Costa County.

1. What is the California Land Conservation Act of 1965?

It is a law passed by the California Legislature designed to preserve the state's agricultural land by providing tax relief to landowners in return for a commitment of that land to agricultural use for a certain period of time.

2. What is the purpose of the Land Conservation Act?

The increasing prices of agricultural land for non-agricultural uses in recent years have resulted in property taxes, which are often uneconomically high for land maintained in agricultural use. The Land Conservation Act was designed to give bona fide farmers and ranchers, who desire to maintain their land in agricultural production, an opportunity to have their property taxes stabilized.

3. Who will benefit if the contemplated results of the Land Conservation Act are realized?

The benefits from this program are not easily quantified. The benefits may be intangible and may not be realized for many years. What is certain, however, is that both the landowner and society do benefit. The farmer or rancher who wishes to remain in agriculture is not forced to sell his land because of high property taxes. Costs, which would result from scattered, unplanned development, are deterred. Society in general benefits from the preservation of open

space as well as the assurance that sufficient land for future agricultural production requirements will be available.

4. What types of arrangements are possible under the Act?

The Act provides for both contracts and negotiated agreements. In Contra Costa County, only negotiated agreements are used as a means of accomplishing the objectives of the county and the property owner.

5. What is an Agriculture Preserve?

An Agricultural Preserve in Contra Costa County is an area designated by resolution by the Board of Supervisors, composed of one or a number of land parcels owned by one or more persons, regulated by the necessary enforceable rules and restrictions so that the land within the preserve is maintained in agricultural and compatible uses.

6. How many acres are required to qualify for an Agricultural Preserve and an agreement?

The agreement standards for Contra Costa County require 100 contiguous acres as minimum preserve size, with 40 acres as minimum parcel size for non-prime agricultural land, except that within the East Contra Costa and Byron-Bethany Irrigation Districts, the Board of Supervisors may approve a preserve of 35 acres minimum size, and for prime agricultural land a 10 acre minimum may be allowed. ¹

See Contra Costa County Board of Supervisors Ordinance No. 2003-12

7. Who is eligible to participate in the Land Conservation Act?

Any landowner having agricultural land in an area in which the Board of Supervisors determines should be kept in agricultural use.

8. <u>Is there a standard procedure to follow to initiate a Land</u> Conservation Agreement?

Following is a brief summary of procedure for initiating agreement and filing application:

- a. Get an application packet form from the Community
 Development Department.
- b. Application should be filed by October 1 to be effectively processed for the following fiscal year.
- c. A complete and up-to-date title report, showing mortgages, liens, etc., must be supplied before final approval of application.

Additional information can be obtained from the Application Package.

9. <u>Is approval of all mortgagors, lien holders and all owners of interest of record necessary?</u>

Yes. All owners of interests shown on title report must sign the agreement. All holders of recorded interest should be notified of the proposed agreement in sufficient time to obtain approval.

10. <u>How long must land be maintained under Land Conservation</u> Agreement?

The program in Contra Costa County provides for a term of ten (10) years with an automatic annual renewal adding an additional year at each anniversary date.

11. Once agreement is signed, does the landowner have to continually maintain agricultural use in order to keep his agreement valid?

Yes. Failure to meet the conditions of the agreement may be considered a breach of contract. The County may seek legal remedies or the agreement may not be renewed.

12. What limitations on land use are imposed by the agreement?

Land use is limited and controlled through provisions of the agreement and the Agricultural Preserve Zoning District Ordinance (A-4). Land uses in addition to those described in the zoning ordinance must be negotiated between the owner and the County and included in the agreement at the time it is executed. All existing land uses and all compatible uses can be included as part of the agreement depending on the negotiations between the owner and the county.

13. <u>Will assessed valuation be reduced when a Land Conservation</u> Agreement is entered into?

There is no guarantee that the assessed valuation of the land will be reduced upon participation in the land conservation program. Participation should ensure that the assessed value will be stabilized at a lower level than if no use restriction whatsoever were applicable.

14. <u>How do agreements affect the Office of County Assessor in their assessment procedure?</u>

Section 402.1 and 422 of the California Revenue and Taxation Code define an enforceable restriction on the land and provide that when land is subject to an enforceable restriction that the assessor in making assessments, shall recognize only that value related to legally permitted uses.

15. <u>If the landowner enters into a long-term agreement with the County, and the assessed valuation of his land is subsequently increased, what recourse does the landowner have?</u>

The landowner may protest his valuation to the Board of Supervisors sitting as a Board of Equalization.

16. Will property owners be required to provide any basis for assessments based on agricultural value?

Yes. The County Assessor may ask the owner to furnish him with such information, as he may need to enable him to determine the valuation of the owner's land.

17. Are there any agricultural lands that are not considered to be eligible for application for Land Conservation Preserve Program?

The Board of Supervisors will consider the eligibility of all lands described in the applications of each owner, taking under consideration the intent and purpose of the program. Land within one mile of the city limits of an incorporated city will be included only if the city does not file an objection or if the city agrees to the establishment of the preserve and the terms of the agreement.

18. Are there any zoning provisions that are part of the program?

Yes. The Contra Costa County Land Conservation Program has an Agricultural Preserve Zoning District (A-4). The processing of an application for a Land Conservation Agreement will run concurrently with an application for rezoning to the Agricultural Preserve Zoning District (A-4). An application for an agreement also constitutes an application for a change in zoning.

19. What are the land uses permitted within the Agricultural Preserve Zoning District?

- a. All types of agriculture, including general farming, horticulture, floriculture, livestock production, aviaries, apiaries, forestry, and similar agricultural uses except those limited under the uses requiring a permit.
- b. Those uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement. (Uses listed in this section of the agreement would include all existing and contemplated agricultural and legal non-conforming uses, which are mutually agreed upon by both the landowner and the county.

20. What are the uses that may be permitted with a use permit?

A land use permit is required for any uses not included under the response to Question No. 19 that are determined to be compatible with the agricultural use of the land. For specific information, refer to the County's Zoning Ordinance for the Agricultural Preserve Zoning District.

21. How can the agreement be cancelled?

Cancellation can take place by mutual agreement between the County and the owner, after a public hearing and a determination by the Board of Supervisors that such a cancellation is in the public interest.

22. What is the cancellation fee?

Upon approval of the cancellation by the owner and county the Assessor shall revalue the land to which cancellation applies. Based on this value and reassessment procedure the landowner shall pay to the County Treasurer as deferred taxes, a cancellation fee in an amount equal to the greater of 12.5% or the current fee provided by state of the cancellation value of the property being released from the terms of the agreement.

23. What happens to the agreement in the event of action in eminent domain for condemnation or land acquisition by a public agency?

When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to an agreement is filed, or when land is acquired in lieu of eminent domain for a public improvement by a public agency, the contract shall be deemed null and void as the land actually being condemned or acquired. If the action for condemnation or acquisition is abandoned by the public agency, the restrictions on the land and the agreement will be reinstated.

24. What happens when a landowner sells the land or portion of land under an agreement?

The agreement runs with the land and is recorded. All terms and provisions of the agreement are binding upon heirs, successors, and assignees of the owner.

25. What happens in the event that the owner fails to comply with the terms and conditions of the agreement?

In the case of a breach of the agreement, the County may either seek a court injunction to enforce the terms of the agreement, or may sue for liquidated damages equal to 100% of the equalized assessed value of the property. Where the breach of the agreement is a violation of land use restrictions, normal zoning enforcement provisions also apply.

26. What happens in the case of division of property?

The division of land into two or more parcels <u>may</u> be construed by the county as a notice of non-renewal by the property owner. An agreement would be required on each parcel resulting from the division. The County's Subdivision Ordinance and General Plan restrictions are also applicable.

27. <u>Does the relinquishment of non-agricultural development rights</u> constitute a lien on the property?

The existence of an agreement does not establish a lien on the property. The only claim or right to the land by the local government is an enforceable restriction on use.

28. <u>If a landowner enters an agreement, does this restrict the borrowing power on the land?</u>

This will depend on the appraisal and financing policies of the lending institution. Land uses and enforceable restrictions on land use that will be a part of the agreement will probably be taken into consideration.

29. Can land that is under an agreement be transferred?

Yes. However, the provisions of the agreement are binding on all subsequent transferees.

30. <u>If a landowner is interested in the Land Conservation Program – Whom should they contact?</u>

The Contra Costa County Community Development Department is responsible for administering the Land Conservation Program (Williamson Act). To find out more about creating an Agricultural Preserve and entering into a Land Conservation Agreement (Williamson Act contract), the landowner should contact the Community Development Department as follows:

Contact: James Cisney

Phone: (925) 335-1314

Fax: (925) 335-1200

E-Mail: jcisn@cd.cccounty.us

Address: Contra Costa County

Community Development Department

651 Pine Street, 5th - Floor North Wing

Martinez, CA 94553-1229